

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

RENE KING,
Plaintiff,

vs.

CREDIT RECOVERY ASSOCIATES, INC.,
Defendant.

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No. _____

COMPLAINT

COMES NOW Plaintiff Rene King and, pursuant to Fed. R. Civ. Pro. 8, complains as follows:

1. Plaintiff Rene King is a citizen of Oconee County.
2. Defendant Credit Recovery Associates, Inc. ("CRA"), is a South Carolina corporation, with its principal place of business located in Greenville County.
3. Venue is proper in this Division because substantial events giving rise to this action occurred in this Division.

Count I – FDCPA Violation

4. Ms. King incorporates by reference each of the preceding paragraphs as if set full here.
5. CRA claims that Ms. King owes CRA a "debt" within the meaning of 15 U.S.C. § 1692a(5).
6. With respect to that alleged debt, CRA is a "debt collector" within the meaning of 15 U.S.C. § 1692a(6).
7. CRA is a debt collector within the meaning of 15 U.S.C. § 1692a(6) with respect to Ms. King's alleged debt.
8. In or about October 2014, a CRA representative began telephonically harassing Ms. King

to try to induce her to make payments on the debt:

- a. The representative repeatedly telephoned Ms. King while she was at work, despite her repeated requests to not contact her while she was at work; and
- b. The representative used abusive language, including telling her that she needed to pay because she owed the “damned” money.

9. On October 7, 2014, Ms. King informed the CRA representative that she had retained counsel and provided the representative with undersigned counsel’s phone number.

10. On October 7, 2014, at approximately 1:19 p.m., a representative named “Eric” from CRA called undersigned counsel at 864-643-5790 from telephone number 864-546-3401, and undersigned counsel confirmed his representation of Ms. King and requested information about the debt.

11. On October 14, 2014, after CRA representative Eric again telephoned undersigned counsel, undersigned counsel sent the letter attached as Exhibit A to CRA via fax and U.S. Mail.

12. Despite knowledge that Ms. King had legal counsel, CRA continued to contact Ms. King by telephone about the debt.

13. On October 25, 2014, Ms. King received the letter attached as Exhibit B from CRA.

14. Ms. King suffered embarrassment and mental worry from CRA’s actions.

15. CRA has violated the FDCPA by:

- a. Communicating with Ms. King at times known to be inconvenient to her; 15 U.S.C. § 1692c(a)(1);
- b. Communicating with Ms. King by phone and by mail after being informed that Ms. King had legal counsel, 15 U.S.C. § 1692c(a)(1);

- c. Using abusive language toward Ms. King; 15 U.S.C. § 1692d(2); and
- d. Falsely representing the amount of the debt, 15 U.S.C. § 807(2).

Count II – Unconscionable Debt Collection

16. Ms. King repeats each of the foregoing as if fully set forth here.

17. CRA was attempting to collect a debt from a “consumer credit transaction” for the purposes of S.C. Code § 37-5-108.

18. CRA has used unconscionable means to attempt to collect upon the debt, in violation of S.C. Code § 37-5-108(2).

19. Attached as Exhibit C is a true and correct copy of CRA’s response to the South Carolina Department of Consumer Affairs in response to Ms. King’s administrative complaint filed pursuant to S.C. Code § 37-5-108(6).

WHEREFORE, Ms. King prays that this Court will:

- A. Award her actual damages;
- B. Award her \$1,000 in statutory damages pursuant to 15 U.S.C. § 1692k(a)(2);
- C. Award her \$1,000 in statutory damages pursuant to S.C. Code § 37-5-108(2);
- D. Enjoin further misconduct on CRA’s part;
- E. Award Ms. King a reasonable attorney’s fee;
- F. Award Ms. King the costs of this action; and
- G. Award such further relief as justice may so require.

Respectfully submitted,

RENE KING



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